

# **EXHIBIT E**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GLASS DIMENSIONS, INC., ON )  
BEHALF OF THE GLASS )Civil Action No.  
DIMENSIONS, INC. PROFIT )1:10-CV-10588 (JLT)  
SHARE PLAN AND TRUST, AND )  
ALL OTHERS SIMILARLY )  
SITUATED, )  
Plaintiffs, )  
vs. )  
STATE STREET CORPORATION, )  
STATE STREET BANK & TRUST )  
CO., AND STATE STREET GLOBAL )  
ADVISORS, )  
Defendants. )  
 )  
 )

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1       between your mom, your dad, and you, you were the  
2       most financially savvy member of the family?

3           A.    Absolutely. But I also was not involved  
4       in the plan at all prior to them not being able to  
5       take out their funds, as far as I can remember  
6       so...

7           Q.    So when -- whenever they couldn't take out  
8       their funds -- whenever that was -- that's when you  
9       became involved with the plan.

10          A.    That's when I started -- yes.

11          Q.    That's when you first had a role with the  
12       plan.

13          A.    Yeah. As far as I can remember.

14          Q.    As far as you can remember.

15           Now, sir, do you currently understand  
16       Glass Dimensions is suing State Street?

17          A.    Yes.

18          Q.    Can you tell me what grievance Glass  
19       Dimensions is currently suing State Street over?

20          A.    Over the exorbitant fees that were charged  
21       by State Street on the securities lending.

22          Q.    Okay. To whom were those fees charged?

23          A.    To Glass Dimensions profit sharing plan.

24          Q.    Were they charged to anybody else?

1           A. I'm sure they were, yes, plenty of people.

2           Q. How many?

3           A. I have no idea.

4           Q. Can you give me an approximation.

5           A. Many. Thousands, I guess. I don't know.

6 Depends on how many clients they had.

7           Q. All right. Are you talking about clients  
8 who invested in any securities lending fund or  
9 every securities lending fund?

10          A. I'm talking about the same clients who  
11 were in the same lending fund that Glass Dimensions  
12 profit sharing plan was in.

13          Q. Fair enough. Can you tell me which  
14 lending funds the Glass Dimensions profit sharing  
15 plan was in?

16          A. Which lending funds?

17          Q. Which security lending funds.

18          A. The names of them?

19          Q. Yes.

20          A. I can't --

21           MR. PORTER: Do you mean the names in the  
22 plan -- the name of the funds in the plan, or the  
23 external securities lending collateral pools?

24           MR. RUDMAN: Let's try it this way.

1 Q. You have no idea, right?

2 A. No idea.

3 Q. And you have no idea what it would cost to  
4 distribute -- to whatever living or pension  
5 beneficiaries there are -- these funds if you ever  
6 recover them?

7 A. I don't.

8 Q. Let's go, if you please, sir, to the front  
9 page of your complaint.

10 You see the words, "Glass Dimensions,  
11 Inc., on behalf of the Glass Dimensions, Inc.  
12 Profit Sharing Plan and Trust, and all other  
13 similarly situated."

14 Do you see those words?

15 A. Yes.

16 Q. Who are the other similarly situated?

17 A. Anyone else who has been charged the  
18 exorbitant fees, the same percentage we were  
19 charged, which is too high.

20 Q. All right. So anyone else, no matter  
21 when, and no matter what they knew about the fees  
22 they were being charged is similarly situated to  
23 you.

24 MR. PORTER: Objection. Calls for a legal

1 conclusion. You can answer.

2 A. I don't think it matters when. If  
3 someone's being screwed, someone's being screwed;  
4 and it's not right.

5 Q. Okay. So let's try this: Suppose someone  
6 knew -- starting in 19 -- in 2003 -- they were told  
7 exactly what State Street was charging them for  
8 their funds; they can just wait until tomorrow --  
9 as far as you're concerned -- to recover?

10 MR. PORTER: Objection. Calls for a legal  
11 conclusion. You can answer.

12 A. I don't think it matters -- the time. If  
13 the fees are too high -- if everyone else is being  
14 charged one thing and everyone at State Street is  
15 being charged another, it's not fair. It's not  
16 right.

17 Q. Okay. Do you know that everyone who was  
18 invested in State Street securities lending funds  
19 was being charged the same thing?

20 A. I believe there were differences.

21 Q. Okay. Do you know the magnitude of the  
22 differences?

23 A. I don't know exact numbers and figures,  
24 no.

1 that was invested in any State Street securities  
2 lending fund.

3 A. I would like --

4 MR. PORTER: Is that a statement or a  
5 question?

6 MR. RUDMAN: That's a question.

7 A. I would like to see everyone who paid  
8 exorbitant fees to State Street to be made whole.

9 Q. Now, sir, does the Glass Dimensions  
10 pension plan have an engagement letter with Mr.  
11 Porter's law firm for this case?

12 A. What's an engagement letter?

13 Q. A letter that says, I, Mr. Porter, will  
14 represent you, and I will charge you thus and such.

15 MR. PORTER: Attorney/client agreement.

16 A. Yes. Attorney/client agreement, yes.

17 Q. You do. When was that executed?

18 A. A long time ago.

19 Q. What is your fee arrangement with Mr.  
20 Porter's firm?

21 MR. PORTER: How much are we going to get  
22 paid? Do you know?

23 THE WITNESS: I don't know.

24 Q. No idea?

1 your records?

2 A. Yes.

3 Q. Do you recall Mr. Rudman asking some  
4 questions about the role of a class representative  
5 and what you have done to work with or supervise  
6 the lawyers in the case?

7 A. Yeah. I didn't understand those  
8 questions.

9 Q. Okay. What -- and you -- one -- you  
10 testified that one of your roles was to tell the  
11 truth.

12 What do you see -- explain to me -- as  
13 your role -- or Glass Dimensions' role -- as a --  
14 as a representative of this group of people on --  
15 on behalf of whom you're suing?

16 MR. RUDMAN: Object to the form.

17 Q. You can answer. Go ahead.

18 A. Sorry. Can you repeat the question.

19 Q. What do you see is your role as a -- Glass  
20 Dimensions' role as a representative of a class of  
21 similarly-situated persons?

22 A. To get the fees back; to -- to make things  
23 whole; to make it right.

24 Q. What about sitting for a deposition; is

1 that part of your role?

2 A. Oh, yeah, cooperating in any way I can to  
3 make things right.

4 Q. And have I ever told -- have I ever  
5 explained to you what kinds of decisions that you,  
6 as the client, are supposed to make?

7 A. Yes.

8 Q. And what kind of decisions are those?

9 A. How much to settle for, what's -- off the  
10 top of my head, I can't think exactly what --

11 Q. What about --

12 MR. RUDMAN: Excuse me. Excuse me. Could  
13 I just have that answer read back.

14 MR. PORTER: Sure. Go ahead.

15 (Answer read back.)

16 MR. RUDMAN: Thank you.

17 A. What we were looking -- I mean, I -- go  
18 ahead. Sorry.

19 Q. That's all right. So whether or not to  
20 settle the case, is that something I indicated?

21 A. Oh, definitely.

22 Q. And --

23 A. Meaning that would be our decision?

24 Q. Yes.

1                   MR. PORTER: Do you remember one way or  
2 the other?

3                   MR. RUDMAN: You get to do redirect.

4                   Q. Do you have any memory -- strike that.

5                   As you sit here now, can you name for me  
6 one other lawyer who's working on this case with  
7 Mr. Porter?

8                   A. Leona.

9                   Q. Okay. You met Leona today, right?

10                  A. No.

11                  Q. Yesterday?

12                  A. Yes.

13                  Q. All right. Before yesterday, you didn't  
14 know Leona was working on this case; did you?

15                  A. No. I knew there were -- I was made aware  
16 that there were other attorneys and other firms  
17 working on this, but --

18                  Q. What are their names?

19                  A. I don't know.

20                  Q. What's their level of experience?

21                  A. I have no idea.

22                  Q. What are they charging you for their  
23 services?

24                  A. Nothing.